



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/614,651	07/07/2003	John A. Mattera	MTERA-001A	7635
7590		06/20/2007		
John A. Mattera				
18763 Long Lake Drive				
Boca Raton, FL 33496				
			EXAMINER	
			ALTSCHUL, AMBER L	
			ART UNIT	PAPER NUMBER
			3626	
			MAIL DATE	DELIVERY MODE
			06/20/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/614,651

Applicant(s)

Examiner

Amber L. Altschul

Art Unit

3626

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 07 July 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-18 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-18 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date 09/15/2003.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

1. Claims 1-18 have been presented for examination.

Information Disclosure Statement

2. The information disclosure statements (IDS) submitted on September 15, 2003 are in compliance with the provisions of 37 CFR 1.97. Accordingly, the information disclosure statements are being considered by the examiner.

Claim Rejections - 35 USC § 112

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

4. Claims 10, 11, and 15 recites the limitation "Health Insurance Portability and Accountability Act of 1996". The limitation "Health Insurance Portability and Accountability Act of 1996" is not defined by the claim, the specification does not provide a standard for ascertaining the requisite degree, and one of ordinary skill in the art would not be reasonably apprised of the scope of the invention. Therefore, Claims 10, 11 and 15 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim Rejections - 35 USC § 102

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –
(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section

351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

6. Claims 1-18 are rejected under 35 U.S.C. 102(e) as being anticipated by United States Patent Application Publication Number US 2002/0169635 A1, Shillingburg, et al., hereinafter Shillingburg. (Reference A on the attached PTO-892).

7. As per claim 1, Shillingburg teaches a method for collecting medical data regarding at least one patient for use in generating and maintaining confidential medical records related said at least one patient and information useful for research purposes, (page 3, para. 19), the method comprising the steps:

a) generating confidential medical information related to said at least one patient, said confidential medical information being obtained by a healthcare provider, (page 3, para. 19);

b) entering into a research agreement with said healthcare provider, said healthcare provider being obligated pursuant to the terms of such agreement to provide a portion of the information generated in step (a), (page 3, para. 21);

c) editing said confidential information generated in step (a) such that said information becomes de-identified, (page 3, para. 17); and

d) providing said de-identified information generated in step (c) to a recipient, said recipient being authorized to receive data pursuant to said research agreement entered into in step (b), (page 3, para. 18).

8. As per claim 2, Shillingburg teaches the method of claim 1 as described above. Shillingburg further teaches wherein in step (a), said confidential medical information is collected utilizing electronic medical record software, (page 3, para. 18).

9. Regarding claim 3, Shillingburg teaches the method of claims 1 and 2 as described above. Shillingburg further teaches said method comprises the steps:

a) providing said healthcare provider with electronic medical record software operative to receive, store, retrieve, and transmit medical information related to said at least one patient, (page 3, para. 18).

10. Regarding claim 4, Shillingburg teaches the method of claims 1-3 as described above. Shillingburg further teaches wherein said step of providing said healthcare provider

with said electronic medical records software further comprises entering into a transaction with said healthcare provider to allow said healthcare provider access to utilize said electronic medical records software, (page 3, para. 18).

11. Regarding claim 5, Shillingburg teaches the method of claim 1 as described above. Shillingburg further teaches wherein steps (a)-(d) are repeated on a routine basis, (page 11, para. 92).

12. Regarding claim 6, Shillingburg teaches the method of claims 1 and 5 as described above. Shillingburg further teaches wherein steps (a)-(d) are repeated at least once per day, (page 11, para. 90).

13. Regarding claim 7, Shillingburg teaches the method of claims 1 and 5 as described above. Shillingburg further teaches wherein steps (a)-(d) are repeated at least once per week, (page 11, para. 90).

14. Regarding claim 8, Shillingburg teaches the method of claim 1 as described above. Shillingburg further teaches wherein step (c) comprises editing said confidential information such that all identifiers related to said at least one patient are removed therefrom, (page 3, para. 17).

15. Regarding claim 9, Shillingburg teaches the method of claims 1 and 8 as described above. Shillingburg further teaches wherein said identifiers removed from said confidential medical information include information selected from the group consisting of said at least one patient's name, said at least one patient's postal address information, said at least one patient's telephone number, said at least one patient's Social Security number, said at least one patient's medical record numbers, said at least one patient's health plan beneficiary numbers, said at least one patient's biometric identifiers, and images of said at least one patient, (page 3, para., 20).

16. Regarding claim 10, Shillingburg teaches the method of claim 1 as described above. Shillingburg further teaches wherein step (c) comprises de-identifying said information in compliance with the Health Insurance Portability and Accountability Act of 1996, (page 3, para. 19).

17. Regarding claim 11, Shillingburg teaches the method of claims 1 and 10 as described above. Shillingburg further teaches wherein said de-identification of data pursuant to the Health Insurance Portability and Accountability Act of 1996 generates a

limited data set as defined by the Health Insurance Portability and Accountability Act of 1996, (page 3, para. 19).

18. Regarding claim 12, Shillingburg teaches the method of claim 1 as described above. Shillingburg further teaches wherein in step (b), said agreement specifies that said use of said portion of said data provided by said healthcare provider is for public health, (page 15, para. 131).

19. Regarding claim 13, Shillingburg teaches the method of claim 1 as described above. Shillingburg further teaches wherein in step (b), said agreement specifies that said use of said portion of said data provided by said healthcare provider is for healthcare operations, (page 15, para. 131).

20. Regarding claim 14, Shillingburg teaches the method of claims 1-3 as described above. Shillingburg further teaches wherein computer hardware operative to be utilized in connection with said electronic medical records software is also provided to said healthcare provider, (page 3, para. 18).

21. Regarding claim 15, Shillingburg teaches the method of claim 1 as described above. Shillingburg further teaches wherein in step (a), said medical information compiled by said healthcare provider is stored in an electronic format in compliance with the Health Insurance Portability and Accountability Act of 1996, (page 3, para. 19).

22. Regarding claim 16, Shillingburg teaches the method of claim 1 as described above. Shillingburg further teaches wherein step (a) further comprises generating information related to the use of prescription medications by said at least one patient, and utilizing a pharmaceutical distribution method for use in supplying medications to

said at least one patient, said pharmaceutical distribution method comprising the steps:

a) determining and confirming said at least one patient is in need of a prescription medication and generating a prescription for said at least one patient to obtain said

medication, (page 3, para. 17);

b) determining the lowest cost for which said medication prescribed in step (a) can be procured by said at least one patient, said determination comprising comparing the purchase price for said medication based upon procuring said medication from a source from within the United States, to the purchase price for said medication based upon procuring said medication from a source outside of the United States, (page 21, para. 193);

c) procuring the lowest-cost medication identified in step (b), (page 21, para. 193);

d) forwarding said medication procured in step (d) to said patient, (page 21, para. 193).

23. Regarding claim 17, Shillingburg teaches the method of claims 1 and 16 as described above. Shillingburg further teaches wherein step (d) of said pharmaceutical distribution method comprises forwarding said medication via mail order, (page 21, para. 193).

24. Regarding claim 18, Shillingburg teaches the method of claims 1 and 16 as described above. Shillingburg further teaches wherein step (a) of said pharmaceutical

Art Unit: 3626

distribution method further comprises clinically evaluating said prescription to minimize adverse reactions potentially experienced by said at least one patient, (page 5, para. 41).

Conclusion

25. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The cited but not applied art teaches Systems, methods and computer program products for facilitating one-to-one secure on-line communications between professional services providers and remotely located clients (US 20010037219 A1), Method for anonymizing patient identity and clinical samples (US 20020029156 A1), Methods for encrypting and decrypting electronically stored medical records and other digital documents for secure storage, retrieval and sharing of such documents (US 20020124177 A1), Anonymously linking a plurality of data records (US 6397224 B1), Electronic template medical records coding system (US 6529876 B1).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Amber L. Altschul whose telephone number is 571-270-1362. The examiner can normally be reached on M-Th 7:30-5, F 7:30-4, every other Friday off.

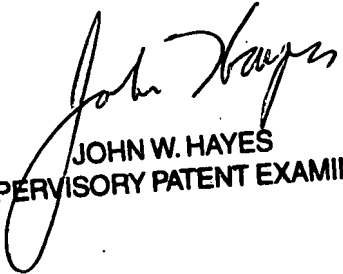
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Joseph Thomas can be reached on 571-272-6776. The fax phone numbers for the organization where this application or proceeding is assigned are (571) 273-8300.

Art Unit: 3626

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 571-272-8219.

ALA

June 1, 2007


JOHN W. HAYES
SUPERVISORY PATENT EXAMINER